

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 6-11-74 by pltf.
1-22-75 by pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
Junnie Smith vs. St. Louis-San Francisco Railway Company, a corporation, and Paul B. Spears		For plaintiff: Whitten, McDaniel & Osmond 2626 E. 21st Street Tulsa, Oklahoma 74114 For defendant: Doerner, Stuart, Saunders, Daniel & Langenkamp Atlas Building Tulsa, Okla. Ben Franklin of Franklin, Harmon & Satterfield, Inc. 1717 Fidelity National Bldg. Okla. City, Okla. 73102			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-1-73	Clerk	11-28-73	Franklin	15 00	
		11-29-73	C/D #19		15 00
J.S. 6 mailed 4-1-75	Marshal				
Basis of Action: personal injuries; train, auto accident	Docket fee				
	Witness fees				
Action arose at: Creek Co.	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-28-73	Petition for Removal (with Orig. Compl., Entry of Appear., Ans.(both), Pltf's Interrog. to Deft., Ans. to Interrog., Pltf's Supp. Interrog. to Deft., Ans. to Supp. Interrog., Deposit. of Junnie Smith, filed in Dist. Ct., Creek Co., Drumright, Okla.), filed. a	
11-28-73	Bond on Removal, filed. a	
11-28-73	Certificate of Notice, filed. a	
11-28-73	Notice of Filing Petition for Removal, filed. a (St. Louis-San Francisco Rwy. Co.)	
11-28-73	Ans. of Deft., filed. a	
11-28-73	Motion of Deft. Paul B. Spears to Dismiss, with brief filed. a	
11-28-73	Minute Order: Ordered that Pltfs. are granted 10 days from this date in which to respond to defs. mo/dismiss. (AEB-J) a	
12-4-73	Pltf's(Junnie Smith) Motion to Remand, filed. a(letters mailed)	
12-4-73	Brief in Support of Motion to Remand and in Opposition to Motion to dismiss and Motion for Summary Judgment, filed. a(letters mailed)	
12-14-73	Brief of Deft St. Louis-San Francisco Railway Co. in Response to Pltf's Motion to Remand, filed. a	
6-6-74	Order, filed and entered, sustaining motion to dismiss of of def. Paul B. Spears, and dismissing complt. & cause of action against him. (AEB-J)rm - copies mailed	
6-6-74	Order, filed, overruling pltf. motion to remand. (AEB-J)rm - copies md.	
6-6-74	Order, filed, sua sponte consolidating this case with 73-C-384.(AEB-J)rm	
6-11-74	Pltf's Demand for Jury Trial, filed. LM	
6-14-74	Mtn. of Deft. for Summary Judgment, filed.jj	
6-14-74	Brief in Support of Deft's Mtn. for Summary Judgment, filed.jj	
6-14-74	MO: It is ordered by the Court that pltf. is granted 10 days to respond to deft's Mtn. for Summary Judgment.(AEB-J)jj	
6-17-74	Plaintiff's application to add a party defendant, filed. ds O to J	
6-18-74	MO: Ordered by the Court that defendant respond to plaintiff's application to add a party defendant with a reply brief within ten days of this date. (AEB-J) ds	
6-20-74	Defendant's response to plaintiffs' application to add additional party, and supporting brief, filed. ds	
6-20-74	RESPONSE to Deft's Mtn. for S/J, filed.jj	
6-20-74	BRIEF in Support of Resp. to Mtn. for S/J, filed.jj	
6-25-74	Defendants' reply brief in support of mot. for S/J, filed. g <i>orig to me</i>	

continued

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-26-74	Pltf's Response to Deft's Brief in opposition to appln. to amend complaint and add additional party along with supporting brief, filed. lm <i>copy to MC</i>	
7-12-74	Deposition of Junnie Smith, J. E. Riley and Paul Spears taken in state court forwarded by Frisco Railway Company, filed.jj	
11-7-74	Order, filed, overruling pltf's appl. to add additional party deft. & to amend their complaint. (AEB-J)k copies mailed	
11-7-74	Order, filed overruling Deft. St. Louis-San Francisco Railway Co.'s Motion for S/J. (AEB-J)k copies mailed	
12-13-74	MO: Parties are directed to hold a Pretrial conference on or before 1-24-75 & file PT Order on or before 1-31-75. (AEB-J)k cps by cert. ml	
1-22-75	JURY demand by pltf., filed. lm	
1-30-75	<u>Proposed pre-trial order</u> of pltf's., filed. rm <i>copy to J</i>	
2-11-75	MO: This case is set for PT hearing on 2-24-75 at 10:00 a.m. (AEB-J)k cps mld Deft. / & Deft. Spears'	
2-11-75	Deft. / St. Louis-S.F. Railway Co.'s proposed PT Order, filed.k	
2-13-75	Case set for jury trial on 3-10-75, at 9:30 A.M. (AEB-J)b nts mld	
2-24-75	Appl. & Order granting pltf's permission to serve subpoenas out of district on witnesses Paul Spears & J. E. Riley of Enid, OK. (AEB-J)k <i>yes by date</i>	
2-24-75	Pre-trial Order, filed (re-filing of deft's proposed PT Order with initialed changes per AEB-J)k	
3-10-75	Case called for jury trial. Parties present, and announce ready. Jury selected & sworn. Case continued to 3-13-75, at 10:00 A.M. Jurors to report back on 3-13-75, at 10:00 A.M. (AEB-J)b	
3-13-75	Jury trial begins. Parties present. Jury present. Pltf. & Deft. make opening statements. Pltf presents case. Deft. presents case; witness sworn & testifies. Ct. recesses for day. Jury excused until 10:00 A.M., 3-14-75. 10:15 A.M., 3-14-75, All jurors & parties present. Deft's witnesses sworn & testify. Parties agree to certain stipulations. Ct. recesses for lunch at 12:15 P.M. 2:00 P.M. Parties announce settlement, jury released. Court to enter Judgment for \$3,500. Deft. withdraws counterclaim. Court to prepare order effective this date. Exhibits withdrawn by both parties. (AEB-J)b	
3-14-75	Judgment, filed & entered, in amt. of \$3,500.00 <i>against</i> Deft. (AEB-J)b <i>Case closed</i>	

DATE	PROCEEDINGS	Date Order or Judgment Note